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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/609,000	06/26/2003	Steven Reynolds	2050.123US1	8368
44367 7590 02/22/2008 SCHWEGMAN, LUNDBERG & WOESSNER/OPEN TV P.O. BOX 2938 MINNEAPOLIS, MN 55402-0938			EXAMINER INGVOLDSTAD, BENNETT	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/609,000	Applicant(s) REYNOLDS ET AL.	
	Examiner Bennett Ingvaldstad	Art Unit 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 December 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1, 12, 20, 27, and 35 have been considered but are moot in view of the new ground(s) of rejection.

Priority

2. Applicant's claim for the benefit of a prior-filed application under 35 U.S.C. 119(e) or under 35 U.S.C. 120, 121, or 365(c) is acknowledged. Applicant has not complied with one or more conditions for receiving the benefit of an earlier filing date as follows:

The later-filed application must be an application for a patent for an invention which is also disclosed in the prior application (the parent or original nonprovisional application or provisional application). The disclosure of the invention in the parent application and in the later-filed application must be sufficient to comply with the requirements of the first paragraph of 35 U.S.C. 112. See *Transco Products, Inc. v. Performance Contracting, Inc.*, 38 F.3d 551, 32 USPQ2d 1077 (Fed. Cir. 1994).

The disclosure of the prior-filed application, Application No. 10/103545, fails to provide adequate support or enablement in the manner provided by the first paragraph of 35 U.S.C. 112 for one or more claims of this application.

Claims 11 and 29: Parent Application 10/103545 does not provide support for the method/set-top box of claims 1 and 27, respectively, further comprising:

- processing said first video signal to produce first audio data stored in said memory of said set top box;
- processing said second video signal to produce second audio data stored in said memory of said set top box

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-5, 7, 9, 27, 32, and 35 are rejected under 35 U.S.C. 102(b) as being anticipated by Hendricks (US 5990927).

Regarding claim 1, Hendricks discloses a method of producing a video signal at a set top box (Abstract) comprising:

- receiving a first video signal at said set top box (program and control signals from the headend [col. 10, line 50]);
- processing said first video signal to produce a first image (demultiplexing control signals into graphics [col. 11, 1-5]) stored in memory of said set top box (col. 10, 53-56);

- receiving a second video signal at said set top box (multiple signals may be received simultaneously [col. 11, l. 30-32] or alternatively, the second signal may be received serially at the same tuner as the first signal);
- processing said second video signal to produce a second image (demultiplexing control signals into graphics [col. 11, l. 1-5]) stored in said memory of said set top box (col. 10, l. 53-56);
- accessing a presentation description (control signals comprising program logic as well as menu templates, col. 11, l. 14-15) that defines a portion of said first image (control signals include menu templates that define graphics used to create menus [col. 11, l. 1-11]) and that defines the manner in which said portion of said first image and a portion of said second image are combined (menu templates are portions of menus that are combined, [col. 11, l. 5-8]), the manner in which the images are combined being selected from at least one of a plurality of manners of combinations (different menus may be generated using the menu templates [col. 11, l. 12-23], so the templates may be combined in different manners upon selection of various menus), and the presentation description also including a sequence of operations performed over time being selected from at least one of a plurality of sequences (program logic [col. 11, l. 1-11] comprises a sequence of operations performed over time; selection of specific menus [col. 11, l. 12-23] implies a selection of the appropriate menu program logic);

- combining said portion of said first image with said portion of second image in accordance with said presentation description to produce a combined image (generating menus from menu templates [col. 11, 18-20]); and
- displaying said combined image (col. 11, 20-23).

Regarding claim 2, Hendricks further discloses wherein said step of combining further comprises:

- applying a mask that defines said portion of said first image (a cursor highlight overlay [col. 11, line 7] is a mask used to define a portion of an “underlying” image).

Regarding claim 3, Hendricks further discloses wherein said step of combining said video signals further comprises:

- generating a logical combination of said portion of said first image and said portion of said second image (applying a highlight overlay mask [col. 11, l. 7] is a logical combination of images)

Regarding claim 4, Hendricks further discloses wherein said step of combining said video signals further comprises:

- generating a mathematical combination of said portion of said first image and said portion of said second image (applying a highlight overlay mask [col. 11, l. 7] is a mathematical combination of images)

Regarding claim 5, Hendricks further discloses wherein said step of combining said video signals further comprises:

- scaling said portion of said first image (scaling video for a menu, col. 20, line 8, wherein "video" may be still pictures, col. 19, line 64)

Regarding claim 7, Hendricks further discloses wherein said step of accessing said presentation description further comprises:

- accessing said presentation description across a network (across the CATV network; col. 14, 12-15).

Regarding claim 9, Hendricks further discloses wherein said step of accessing said presentation description further comprises:

- selecting said presentation description from a plurality of presentation descriptions (menus correspond to a user selection [col. 11, l. 20-23]) contained in said first video signal (presentation descriptions are part of control signals received at a tuner as "compressed program and control signals" [col. 10, l. 49-52]).

Regarding claim 27, Hendricks discloses a set top box that produces a combined video signal comprising:

- a processor (microprocessor 602, Fig. 10);
- a memory (RAM and ROM, Fig. 10);
- a tuner/decoder (tuner 603, Fig. 10) that receives a first video signal and a second video signal substantially simultaneously (multiple tuners may be used to receive simultaneous signals, col. 6, 27-30) and that routes control information contained in said first video signal to said processor (control signals may be stored or executed immediately [col. 6, l. 26-27]) and that routes first video data from said first video signal and second video data from said second video signal to a decoder (multiple sets of decompression hardware used to decompress video [col. 6, l. 28-29]);
- said decoder that decodes said first video data and produces a first video image in said memory and that decodes said second video data and produces a second video image in said memory (the program signals may be demultiplexed into graphics [col. 11, l. 1-5] which are stored in memory [col. 10, l. 55-56])
- a presentation description (control signals comprising program logic as well as menu templates, col. 11, 14-15) stored in said memory (control signals may be stored [col. 10, l. 53-57]) that specifies the manner in which a portion of said first video image is combined with a portion of said second video image to produce said combined signal (menu templates,

included in control signals, are portions of menus that are combined, [col. 11, l. 5-8]), the manner in which the images are combined being selected from at least one of a plurality of manners of combinations (different menus may be generated using the menu templates [col. 11, l. 12-23], so the templates may be combined in different manners upon selection of various menus), and the presentation description also including a sequence of operations performed over time being selected from at least one of a plurality of sequences (program logic [col. 11, l. 1-11] comprises a sequence of operations performed over time; selection of specific menus [col. 11, l. 12-23] implies a selection of the appropriate menu program logic);

- program code operating in said processor that employs said presentation description and that accesses said portion of said first video image and said portion of said second video image in said memory and that combines said first portion of said first video image and said portion of said second video image in a manner specified by said presentation description (microprocessor generates specific menus out of program templates [col. 11, l. 18-23]); and
- a video output unit that outputs said combined signal to a display device (col. 11, 21-22).

Regarding claim 32, Hendricks further discloses:

- user preference information stored in said memory that is used by said presentation description (the menu contains programs the user may like based on user preference information [col. 34, l. 26-28]).

Regarding claim 35, Hendricks discloses a set top box that produces a combined video signal (Abstract) comprising:

- processor means that process a presentation description and that control the manner in which images are combined (microprocessor Fig. 14);
- memory means (memories 620 and 620', Fig. 14) that store software executable by said processor means (col. 15, 53-54) and that store video images(col. 10, 55-56);
- tuner/decoder means that receive a first video signal (tuner 603, Fig. 14) and a second video signal (tuner 603', Fig. 14) and that route control information contained in said first video signal to said processor means (Fig. 14) and that route first video information from said first video signal and second video information from said second video signal to decoder means (to demodulators, demuxers, and decrypters, Fig. 14);
- decoder means that decode said first video information and produce a first video image in said memory means and that decode said second video information and produce a second video image in said memory means (video/graphics/text demuxers 314 and 314' [Fig. 14] store graphics in memory [col. 10, l. 53-58]);

- presentation description means (control signals comprising program logic as well as menu templates, col. 11, 14-15) that specify the manner in which a portion of said first video image is combined with a portion of said second video image to produce a combined image (menu templates, included in control signals, are portions of menus that are combined, [col. 11, l. 5-8]), the manner in which the images are combined being selected from at least one of a plurality of manners of combinations (different menus may be generated using the menu templates [col. 11, l. 12-23], so the templates may be combined in different manners upon selection of various menus), and the presentation description also including a sequence of operations performed over time being selected from at least one of a plurality of sequences (program logic [col. 11, l. 1-11] comprises a sequence of operations performed over time; selection of specific menus [col. 11, l. 12-23] implies a selection of the appropriate menu program logic); and
- video output means that output said combined image to a display device (video outputs, Fig. 14).

5. Claims 20 and 22-26 are rejected under 35 U.S.C. 102(b) as being anticipated by Rosser (US 6446261).

Regarding claim 20, Rosser discloses a method of controlling generation of a combined video signal in a set top box unit at a user's premises from a broadcast site comprising:

- transmitting a first digital video signal to said set top box (video stream [col. 7, line 50]);
- transmitting a second digital video signal to said set top box substantially simultaneously with said first digital video signal ("graphic or video, ... attached to video stream" [col. 7, 48-50]);
- loading image combination code into said set top box ("information generated by the recognition unit 18, the tracking unit 20, and the occlusion mask production unit 22" used to combine inserts with the video [col. 7, l. 38-44]); and
- providing a presentation description to said set top box that describes the manner in which a portion of an image contained in said first digital video signal is combined with a portion of an image contained in said second digital video signal to produce said combined video signal (occlusion mask defines how inserts are combined [col. 3, l. 16-25]) the manner in which the images are combined being selected from at least one of a plurality of manners of combinations (when the video insert is a picture-in-picture window, the user may choose the manner of combination by e.g. resizing, magnifying, or rotating one of the windows [col. 5, l. 23-30]), and the presentation description also including a sequence of operations

performed over time being selected from at least one of a plurality of sequences (warping the picture in various ways, i.e. resizing, magnifying, or rotating [col. 5, l. 25-30], requires a sequence of operations performed over time, the sequences being different for various warp methods)

Regarding claim 22, Rosser further discloses wherein said step of providing a presentation description further comprises:

- transmitting said presentation description to said set top box as a part of said first digital video signal (the information mixed in with the video signal includes the occlusion mask [col. 7, l. 37-45]).

Regarding claim 23, Rosser further discloses wherein said step of providing a presentation description further comprises:

- selecting said presentation description from a plurality of presentation descriptions wherein said presentation description conforms to the requirements of said set top box (multiple insertions can be stored in memory, which implies a selection of the associated overlay [col. 7, l. 55-58]).

Regarding claim 24, Rosser further discloses wherein said step of providing a presentation description further comprises:

- altering a general presentation description to conform to the requirements of said set top box ("strip off, interpret, and use the information mixed in with the video signal" [col. 7, l. 37-38]).

Regarding claim 25, Rosser further discloses wherein said step of providing a presentation description further comprises:

- tailoring a general presentation description to correspond to a viewer preference (insertions are selected based on viewer usage profile keys [col. 7, l. 52-54]).

Regarding claim 26, Rosser further discloses wherein said step of providing a presentation description further comprises:

- transmitting a plurality of presentation descriptions to said set top box from which said set top box selects one presentation description that conforms to the requirements of said set top box (multiple insertions can be downloaded and stored in memory, which implies a selection of the associated overlay [col. 7, l. 55-58]).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 6, 10, 12-19, 31, and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hendricks (US 5990927) in view of Rosser (US 6446261).

Regarding claim 6, Hendricks does not further disclose wherein said step of combining said video signals further comprises:

- warping said portion of said first image.

Rosser discloses a method of producing a video signal at a set top box (Abstract) wherein a step of combining video signals comprises warping a portion of a first image (col. 3, 22-25)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the set top box disclosed by Hendricks to be able to warp a portion of an image as disclosed by Rosser for the purpose of modifying images in order to integrate them with other images ([Rosser col. 3, l. 20-25]), thus improving Hendrick's set-top box's capability to generate specific menus out of various menu templates ([Hendricks col. 11, l. 17-23])

Regarding claim 10, Hendricks does not further disclose modifying said presentation description in response to a user input.

Rosser discloses a method of producing a video signal at a set top box (Abstract) wherein the presentation description is modified in response to a user

input (windows are resizable, magnifiable, and rotatable by the user; col. 5, 27-30)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the set top box disclosed by Hendricks to be able to modify the presentation description in response to a user input as disclosed by Rosser for the purpose of magnifying a window "to examine some detail of the video" ([Rosser col. 5, l. 28-29]) or rotating a window "for people who may want to lie down" ([Rosser col. 5, l. 30]).

Regarding claim 12, Hendricks discloses a method of displaying a sequence of combined images in a set top box comprising:

- receiving a first video signal at said set top box (input signal into Tuner 603, Fig. 14, see also col. 32, 12-14);
- processing said first video signal to produce a first sequence of images (video component of the input signal, col. 32, 51-52) stored in memory of said set top box (col. 32, 52-53);
- receiving a second video signal at said set top box (second input signal into Tuner 2 603', Fig. 14);
- processing said second video signal to produce a second sequence of images stored in said memory of said set top box (same method as first signal);

- accessing a presentation description that defines a portion of said first sequence of images and that defines the manner in which said portion of said first sequence of images and a portion of said second sequence of images are combined (the video combiner determines how to combine the signals, which implies a presentation description; see col. 32, 60-62);
- combining said portion of said first sequence of images with said portion of said second sequence of images in accordance with said presentation description to produce a sequence of combined images (performed by video combiner; col. 32, 60-62); and
- displaying said sequence of combined images (col. 32, line 63).

Hendricks does not further disclose that the presentation description defines “the manner in which the sequences of images are combined being selected from at least one of a plurality of manners of combinations, and the presentation description also including a sequence of operations performed over time being selected from at least one of a plurality of sequences”.

Rosser discloses a set-top box capable of generating an enhanced picture-in-picture ([col. 5, l. 21-24]) comprising a presentation description that defines “the manner in which the sequences of images are combined being selected from at least one of a plurality of manners of combinations” (one of the windows is resizable, magnifiable, or rotatable [col. 5, l. 25-30]), and “the presentation description also including a sequence of operations performed over time being selected from at least one of a plurality of sequences” (warping the picture in

various ways, i.e. resizing, magnifying, or rotating [col. 5, l. 25-30], requires a sequence of operations performed over time, the sequences being different for various warp methods).

It would have been obvious to one of ordinary skill in the art to modify the picture-in-picture capabilities of Hendrick's set-top box with the teachings of Rosser's enhanced picture-in-picture capabilities for the purpose of allowing the user to modify the layout of one of the displayed video pictures [Rosser col. 5, l. 24-30])

Regarding claim 13, Hendricks further discloses wherein said step of combining further comprises:

- applying a mask specified in said presentation description that defines said portion of said first sequence of images (picture-on-picture uses a mask to overlay images [col. 33, l. 19-20]).

Regarding claim 14, Hendricks in view of Rosser further discloses:

- executing program code that modifies said mask to select a different portion of at least one image of said first sequence of images (an enhanced picture-on-picture in which the overlaid window is magnifiable [col. 5, l. 23-30]).

Regarding claim 15, Hendricks further discloses wherein said step of combining said video signals further comprises:

- generating a mathematical combination of said portion of one image of said first sequence of images and said portion of one image of said second sequence of images (applying an overlay mask to combine a sequence of images [col. 33, l. 19-20] uses a mathematical combination).

Regarding claim 16, Hendricks further discloses wherein said step of combining said video signals further comprises:

- generating a logical combination of said portion of one image of said first sequence of images and said portion of one image of said second sequence of images (applying an overlay mask to combine a sequence of images [col. 33, l. 19-20] uses a logical combination).

Regarding claim 17, Hendricks further discloses wherein said step of combining said video signals further comprises:

- scaling said portion of one image of said first sequence of images (anticipated by scaling of sequence of images [col. 31, l. 10-12]).

Regarding claim 18, Hendricks in view of Rosser further discloses wherein said step of combining said video signals further comprises:

- warping said portion of one image of said first sequence of images ([Rosser col. 3, l. 22-25]; inserts may be a sequence of images [Rosser col. 14, 45-47], and warping a sequence of images anticipates warping one image).

Regarding claim 19, Hendricks in view of Rosser further discloses:

- modifying said presentation description in response to a user input (windows are resizable, magnifiable, and rotatable by the user; [Rosser col. 5, l. 27-30]).

Regarding claim 31, Hendricks further discloses:

- a user interface that receives an input from a user (the set top box can query the user and receive responses [col. 34, l. 1-3]).

Hendricks does not disclose that the input can modify the presentation description.

Rosser discloses a user interface that receives an input from a user that modifies a presentation description (windows are resizable, magnifiable, and rotatable by the user [col. 5, l. 27-30]).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the set top box disclosed by Hendricks to use its user interface to modify the presentation description as disclosed by Rosser for the purpose of magnifying a window "to examine some detail of the

video" (col. 5, 28-29) or rotating a window "for people who may want to lie down" (col. 5, line 30).

Regarding claim 34, Hendricks does not further disclose wherein said program code operating in said processor further comprises:

- a software routine that selects said presentation from a plurality of presentation descriptions contained in said first video signal

Rosser discloses a method of producing a video signal at a set top box (Abstract) wherein the program code operating in the processor comprises a software routine that selects a presentation from a plurality of presentation descriptions contained in the first video signal (multiple insertions can be downloaded during the first signal video transmission and stored in memory, which implies a selection of the associated overlay; col. 7, 55-58; the insertions can be contained within the video signal; col. 7, 37-38).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the set top box disclosed by Hendricks to use its user interface to modify the presentation description as disclosed by Rosser for the purpose of magnifying a window "to examine some detail of the video" (col. 5, 28-29) or rotating a window "for people who may want to lie down" (col. 5, line 30).

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8. Claims 8 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hendricks (US 5990927) in view of Butler (US 2002/0007493).

Regarding claim 8, Hendricks does not further disclose:

- receiving a network address at which a presentation description can be accessed.

Butler discloses a method of producing a video signal at a set top box (Abstract) wherein a step of accessing a presentation description comprises receiving a network address at which a presentation description can be accessed (receiving a network address when following hyperlinks to new documents [0020, 0021]; the documents contain presentation descriptions in HTML format [0020]).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the set top box disclosed by Hendricks to be able to receive network addresses at which presentations can be accessed as disclosed by Butler for the purpose of accessing content through the Internet [0017].

Regarding claim 28, Hendricks does not further disclose:

- a network interface that accesses a presentation description.

Butler discloses a set top box that produces a combined video signal that contains a network interface that accesses a presentation description (a modem

[0017] can be used to access documents containing presentation descriptions in HTML format [0020] over the Internet [0017]).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the set top box disclosed by Hendricks to be able to access presentation descriptions through a network interface as disclosed by Butler for the purpose of accessing content through the Internet [0017].

9. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rosser (US 6446261) in view of Butler (US 2002/0007493).

Regarding claim 21, Rosser does not further disclose:

- transmitting a network address that said set top box employs to access said presentation description.

Butler discloses a method of producing a video signal at a set top box (Abstract) wherein a step of accessing a presentation description comprises transmitting a network address that said set top box employs to access said presentation description (the network address is transmitted as a hyperlink to another document [0020, 0021]; the documents contain presentation descriptions in HTML format [0020]).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the set top box disclosed by Rosser to be

able to transmit a network address that said set top box employs to access a presentation description as disclosed by Butler for the purpose of accessing content through the Internet [0017].

10. Claim 33 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hendricks (US 5990927) in view of Cheok (US 6934906).

Regarding claim 33, Hendricks does not further disclose wherein said program code operating in said processor further comprises:

- a software routine that controls said decoder to perform at least part of the combination of said portion of said first video image and said portion of said second video image in a manner specified by said presentation description.

Cheok discloses a set top box (col. 4, line 13) wherein a program code operating in the processor comprises:

- a software routine that controls a decoder to perform at least part of the combination (decoder instructions control a decoder to integrate with an external application[col. 5, 24-32] in order to render a part of the scene; col. 5, 35-37) of a portion of a first video image and a portion of a second video image (the video images are contained in the MPEG-4 stream; col. 3, 55-56) in a manner specified by a presentation description (scene description information 225, Fig. 2).

It would have been obvious to one of ordinary skill to modify the set top box disclosed by Hendricks to use a software routine to control the decoder to perform part of the combination as taught by Cheek in order to perform some of the rendering under control of an external application, thus enabling rendering of content not supported by the MPEG decoder ([col. 2, l. 5-14])

11. Claims 11, 29, and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hendricks (US 5990927) in view of DeRosa (US 2006/0236340).

Regarding claim 11, Hendricks does not further disclose:

- processing said first video signal to produce first audio data stored in said memory of said set top box;
- processing said second video signal to produce second audio data stored in said memory of said set top box;
- accessing a presentation description that describes the manner in which said first audio data and said second audio data are combined; and
- combining said first audio data and said second audio data in accordance with said presentation description.

DeRosa discloses a method of producing an audio-assisted program guide comprising:

- accessing a presentation description that describes the manner in which a first audio data and a second audio data are combined (audio clips are combined according to an audio format [0036]); and
- combining said first audio data and said second audio data in accordance with said presentation description (audio clips are combined according to an audio format [0036]).

It would have been obvious to one of ordinary skill to modify the program guide method disclosed by Hendricks to include menu templates comprising audio clips in the first and second video signals ([Hendricks col. 10, l. 48-58]) for the purpose of generating program guides containing audio program listings ([DeRosa 0036]) for assisting people with poor eyesight ([0004]).

Regarding claim 29, Hendricks does not further disclose:

- wherein said decoder further produces first audio data in said memory from said first video information and produces second audio data in said memory from said second video information.

DeRosa discloses a set top box for producing an audio-assisted program guide wherein a decoder further produces first audio data in a memory from a first information and produces second audio data in a memory from a second information (multiple audio clips are stored in order to create an audio program guide, the audio clips being received in a data stream from the headend [0032]).

It would have been obvious to one of ordinary skill to modify the program guide method disclosed by Hendricks to include menu templates comprising audio clips in the first and second video signals ([Hendricks col. 10, l. 48-58]) for the purpose of generating program guides containing audio program listings ([DeRosa 0036]) for assisting people with poor eyesight ([0004]).

Regarding claim 30, Hendricks in view of DeRosa further discloses:

- wherein said presentation description further specifies the manner in which said first audio data is combined with said second audio data (audio clips are combined according to an audio format [0036]).

Conclusion

12. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bennett Ingvaldstad whose telephone number is (571)270-3431. The examiner can normally be reached on M-Th 8-6:30 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivek Srivastava can be reached on (571) 272-7304. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

BI



VIVEK SRIVASTAVA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600